

## MINUTES

### INDIANA BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION MEETING

AUGUST 9, 2013 6PM  
INDIANA GOVERNMENT CENTER SOUTH  
302 W WASHINGTON ST CONFERENCE ROOM C  
INDIANAPOLIS IN 46204  
317-232-2325

- A Meeting called to order 6PM
- B. Roll call

#### **Present**

Jeff Hayes  
Jack Kerney Sr  
Candace Ashby  
Greg Wyant  
Burke Jones  
Tom Hanify  
Mike Garvey

#### **Absent**

James Greeson

- C. Approval of June 13<sup>th</sup> Minutes as submitted

Tom Hanify made a motion to approve. Candace Ashby seconded. Motion passed.

2014 meeting dates and locations: suggest within 1 ½ hours from Indy, with the exception of two per year, and those north and south borders.

Feb 24  
April 7  
May 19  
June 19- IVFA convention  
August 11  
Sept 22  
Nov 3

Webinars will now be available for review on the web page. Due to the size of these, you may have to sign on to two separate webinars in order to get to watch the whole meeting.

D Variance Request

1. John Nyerges requested a variance for Investigator I based on transcripts from Ivy Tech from 2005.

Staff recommends denial. There is no record of any skills being completed for this course

Cadence Ashby made a motion to approve staff recommendation. Burke Jones seconded. Motion passed.

2. The following students requested variances in order to take the written/practical exam at the age of 17 for Firefighter 1, Firefighter 2, Hazmat Awareness, Hazmat Operations, and Technical Rescue Awareness.

Colin Allen; Edgar Avila; Barry Banton; Tony Chen; Christopher Gaeta;  
Brendan Hook; Tracy Medley; Kylee Moore; Joel Morales; Anna Pablo; Matt  
Patterson; Bailey Slate; Cody Stokes; Ginae Williams  
Staff recommends approval based in past history.

Burke Jones made a motion to approve. Jack Kerney seconded.

Tom Hanify voiced concerning the liability of this issue. John Buckman stated that we need an official statement from the Attorney General stating what liability the Fire Chief is under by allowing 17 year olds from testing. Tom Hanify stated that he was not comfortable voting on this issue. He likes the idea of getting the AG opinion on this issue. He made a motion to table this until we get a statement from the AG office.

John Buckman provided documentation to Jeff Hayes from OSHA stating that at career schools the students can use the equipment because they are covered. The problem is that the students outside career centers are not covered.

Rick Compton – Muncie Career Center, asks that the Board approve this request.

Larry Bruner-IVFA, is the liability to the Chief or to the Board? Tom Hanify stated that this is the question that he wants the AG opinion on this.

Steve Cavaleri- Area 13 Career Center, dept of education decided that the FF ½ would be used as a year of end assessment. We have used the variance process. We would like to see 17 year olds be allowed to continue to take these exams. The students are allowed to use these scores give them 12 ½ to 13 college credits. Some of these students are graduation with an Assoc. Degree. It sounds like a rule would be easier. As a variance request, people change, board members come and go and this could change at any time. As a rule, it would be there. Tom Hanify asked that if we could get the AG opinion, then Mara Snyder could draft the letter, and we could have an answer in October. What is the difference between the test. What is the difference between the state test and the academy test? Steve Cavalier stated that it is just easier to use the state tests. They are there, up to date and current. The test has to be the same across the state. The state tests give us that uniformity.

Peggy Wild, Dept of Education, what you have created is a one stop shopping. Due to the uniformity of the state testing, this saves time and money by using the state program. If the schools had to create these tests, they would be taking time away from the program. The labor board shows that 2018 there will be a need for 3000 new trained firefighters. The CTRs is one way of preparing the students for this job market.

All spoke to allow these students to test.

Jayne Washel – Bloomington City FD, Ivy Tech Instructor – employers want real live certification in the industry.

Ben Sieverding- Southeastern Career Center

Greg Wyant stated that he feels that we should leave this issue as it was. Talk was to put in the rules, allowing 17 year olds to test, but Greg feels we should leave these on a variance process. Tom Hanify would prefer we not have to do variances. Jack Kerney asked where it stated that only the CTR's could do this. John Buckman stated that this is what they want the AG's office to interpret for the board.

Jeff Hayes stated the students that for a student to graduate with honors, he has to have the certification in the field he has taken. OSHA covers the student in the classroom.

Keep in mind, the classroom is not necessarily a classroom, in most cases the classroom is real life situations. In the medical field, the classroom is actually in long term care facilities or hospitals. The danger is with needles, blood borne pathogens etc.

Burke Jones asked that if stopped the 17 year olds from testing, would this be a fiscal impact. How much of an impact would this have? Tom Hanify stated that career centers are imperative, we need these, and we just need to find the legal ins and outs on this.

Who do you do it for and who not? Legal counsel stated that we could not do this for career centers but not allow Fire dept to do it. We have 1 legal opinion that we cannot do this, so all I am asking is that we get the AG's opinion on this.

Carl Stokes stated that what they do, benefits not only the FD but private industry. The students leave school with certification in hand, and can go straight to work. They do not have to go through more training, they are ready to go.

Jeff Hayes asked that this issue allowing 17 year olds to test be put in the rules.

The Board has been consistent with this issue all along and to suddenly change now that school has started, is creating confusion. Students do not want to start a class, and then suddenly they cannot get certification in the end.

Motion to approve passed.

3. Justin Heim requested a variance for FO IV. He has submitted transcripts from North central University in AZ.

Staff recommends denial based on no Indiana affiliation or residence. Legal stated that the board cannot rule on this. They have no jurisdiction outside the state of Indiana.

Tom Hanify made a motion to table until legal counsel was available. Greg Wyant seconded the motion. Motion passed. Mara Snyder, Legal counsel, was not available but wrote comments on this issue. The Board's authority is limited to Indiana residents or members of Indiana fire depts.

4. Richard Mann requested variances for Fire Officer Strategy and Tactics, Fire Officer I, and Fire Officer II, based on his transcripts, from Ivy Tech, work history, and additional

documentation submitted. Chief Mann has his Bachelor degree, an Associate Degree, has been a firefighter for 14 years, military supervisor, is a paramedic, a registered nurse, and a CPR and ACL instructor, attended leadership and officer development classes.

Candace Ashby asked for clarification: you are asking for the variances instead of testing out. Answer: yes

Staff recommends approval based on documentation submitted. Tom Hanify made a motion to approve. Jack Kerney seconded. Motion passed. Candace Ashby abstained from voting because she works with him.

5. Wally Machiarella requested a variance to be lead instructor for the Driver Operator Mobile Water supply class. He does not hold this certification, but he is certified in Driver Operator Pumper and Aerial. There are no instructors in the area that hold the certification to teach the class.

6. Ryan Cusack requested a variance for Lead Evaluator for Driver Operator Mobile Water Supply. He holds the Driver Operator Pumper and Aerial, but needs to be able to act as Lead Evaluator for this class. There are no instructors that hold this certification in the area.

Both Ryan and I are on departments that have tankers and have had to use them more than I can mention in the delivery of water for structure fires both for our jurisdiction as well as for mutual aid for other departments. Furthermore I have a CDL and have driven and still do to this day for my civilian job big trucks.

Staff recommends approval for Wally Machiarella to be lead evaluator and Ryan Cusack to be lead instructor for this class only. Ryan is an instructor I, not an Instructor II/III. This approval is based on this course only. After certifications have been issued, the individuals would be required to take the testing.

Greg Wyant made a motion to allow Wally Machiarella to be lead evaluator and Ryan Cusack to be lead instructor for this class only. The understanding is that after this class, Wally and Ryan cannot ask for variances for certification for themselves, they will be required to test for certification. Tom Hanify seconded. Motion passed.

E. State Fire Marshal, James Greeson  
No report at this time.

F. Homeland Security Chief of Staff, Mike Garvey  
No report at this time.

G. Certification Report, Barbara Goble

1. On-line test dates

When a test is registered for on line testing, a test date is given. They are taking this test when they get around to it. At times, it can be 2 weeks later, before the full class tests. The rules do not differentiate between paper tests and on line tests so the only time frame we have is the 7 day rule right now. In the future, on day eight, the student will be

removed from the class, and the test id voided. exception; notification is sent to [bgoble@dhs.in.gov](mailto:bgoble@dhs.in.gov) giving reason for delay and new test date.

2. Permission to start investigations

I am asking for permission to start investigations when we have tests that come in and all students have the same scores, and miss the same exact questions with the same wrong answer. Jack Kerney made a motion to allow. Burke Jones seconded. Motion passed.

H. State Fire Training, John Buckman

1. Old outdated rescue test, bank validated in 2004 and cannot test to it anymore until bank is validated to current edition. This includes the technical rescue awareness testing. Mara Snyder written comment: The board MUST certify based on the edition of the standard they adopted; they cannot use tests validated to any other standard. John Buckman stated the Mara Snyder stated to him that if he did NFPA standard analysis between the 2004 and 2008 standard and if this shows no changes, then we can still test. There are no cognitive changes, there are skill changes, but no cognitive changes so, as long as we submitted this report to you, we can still use our test. John Buckman stated that the written statement is different from what legal counsel told them on Tuesday.

Dave Probo stated that he went through both standards and the test questions are still valid to the 2009 standard because there are no significant changes in the standards.

Mike Garvey stated that what legal is saying is that it is ok, tests are still valid based on this analysis and you can continue to use the tests validated in 2004 because there are no changes.

Greg Wyant stated that he does have a problem with the difference in statements.

Mike Garvey stated that Mara Snyder stated that to keep this test valid the board needed to accept the analysis that the tests are still valid. Therefore, they can continue to use tests for certification purposes. Tom Hanify stated that unless this is urgent, we need to table this. John Buckman asked the Fire Chief association a year ago to validate these and they did not do it.

The written response was given on Monday or Tuesday and the conversation with John and Mike was on Wed. Tom Hanify stated we would go with the most recent opinion.

We will tell the fire association what needs to be changed.

Jack Kerney made a motion to accept the report and approve testing. Greg Wyant seconded. Motion passed.

3. Hazmat operations required as prerequisite for Firefighter I per NFPA 1001. IFSAC gave us a letter of reprimand for not following the NFPA 1001. You must have hazmat operations before you can get firefighter I. This is in the standard; we just have not enforced it until now. Starting Oct 1<sup>st</sup>, you must be certified in Hazmat Operations prior to testing. The module testing has this covered in module 2. If you are doing the modular testing your will be ok with this. This will be in the training bulletin.

4. Remove the time requirement from donning SCBA

We are asking to remove the time requirement for this from Mandatory. We removed it from Firefighter I/II but failed to remove from Mandatory. The standard no longer requires a time to be affiliated with this.

Tom Hanify made a motion to allow this. Jeff Hayes seconded. Motion passed

4. We have a 92% pass rate for all of our certifications. I talked with Jack Kerney about this last week. Our fail rate is not that bad. No one fails, FO I FO 2, Inspector I, but everyone fails the Inspector I/II test. We know the problem with this one and it has nothing to do with the test. No one fails Safety Officer, FOST, the rescue tests are old, 2004 so everyone knows what is on those tests. I believe 92% pass rate is too high.
5. Steering committee for the state fire academy but this will involve EMS and EMA. This committee is based on the alliance, and includes, the Fire Marshal, Tom Hanify, Mike Garvey representing EMS, and we are writing a letter to submit to the governor's staff by the end of the year.

#### I. Old Business

1. Voluntary recertification for Career Firefighters (Tom Hanify)  
This is strictly a voluntary program, I asked everyone to review from last meeting. Recertification is the wrong word; continued education is what it really is. There is no requirement for this. It is strictly volunteer and I think the Marshal is ongoing to come up with some type of recognition for the Fire Depts. that participate in it. some kind of award that states "we recognize that....." next meeting we will have something in writing for the board to endorse.  
The Board cannot rule on it, but they can come up with a laundry list of what would count.
2. 655 IAC 1-1-12 (I) testing for 17 year olds.
3. Michigan City fire brigade (John Buckman)
4. Book committee status (Brandon Wood)  
Looks at FOST, looking at 4 books,  
Inspector chose IFSTA 7<sup>th</sup> edition, reviewing skills and Instructor, Jim Campbell, on the instructor, IFSTA instructor's, better product than Jones and Bartlett, IFSTA just flows better.  
We are looking at having all of this done by mid 2014 so this gives CTR's a chance to get the books selected  
Firefighter I/II; we a still waiting on publishers.  
Candace Ashby asked if this was going to include the train-the-trainer requirement.  
John Buckman stated that this is a separate issue. Since January, we have done very few audits. We now to pre course coaching. We found that instructors are not prepared to put on these classes until they talk to us and find out what they need in order to plan a course.
5. Draft of letter requesting exemption from the rules moratorium. ( see John, Garvey for letter)

#### J. New Business

1. Discussion and possible adoption of LSD Document #13-180 (readoption of current rules)

Readopts rules in anticipation of IC 4-22-2.5-2 providing that an administrative rule adopted under IC 4-022-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

Jack Kerney made a motion to approve LSA Doc. #13-180, concerning the readoption of the administrative rules that will expire on January 1 of the seventh year in which the

rules takes effect as publish in the Indiana Registration on May 9, 2013, at DIN: 201330508-IR-655130180RNA. Burke Jones seconded. Motion passed.

2. Pursuant to 655 IAC 1-1-7 (2) and (3) (c) issue of certification of Curtis Mackintosh based on his letter to staff concerning his conviction.

We have a letter from an individual, who is currently incarcerated in IL for sexual abuse. Does this qualify to have his certification pulled under 655 IAC 1-1-7 (2)(3). Tom Hanify stated that there is not enough information and we need his criminal records to find out what was really involved.

Burke Jones made a motion to table until the information has been submitted and the Board can consult with legal counsel. Jeff Hayes seconded.

K. Meeting adjourned 9:15 pm.

Next Meeting:

October 21, 2013 6pm  
Haubstadt Fire Territory  
103 Main St  
Haubstadt IN 47639  
812-459-4062